

JOHN GILBERT vs. APC NATCHIQ, INC.
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1 A Inform him.
2 Q And then what would you have done about it after that?
3 Would he have directed you to correct it?
4 A He would have gave me direction one way or another,
5 yes.
6 Q Okay. Do you recall any of that?
7 A No, sorry.
8 Q Okay. All right.
9 MS. ZOBEL: Here we go, staff meeting agenda.
10 I promised you an agenda. Actually, I've got a whole slug of
11 them.
12 MR. COVELL: Okay. We're running out of
13 stickers madame clerk. That's G-26.
14 MS. ZOBEL: Go ahead and mark G-26 and G-27.
15 (Deposition Exhibits G-26 and G-27 marked)
16 (Off record comments)
17 Q (By Ms. Zobel) We had a prior discussion about whether
18 or not you conducted the staff meetings?
19 A Uh-huh (affirmative).
20 Q And I've given you Exhibit G-26 and Exhibit G-27.
21 A Uh-huh (affirmative).
22 Q And Exhibit G-27, as I recall is a series of different
23 meetings where you're listed as a facilitator, is that
24 correct -- different dates?
25 A Twelve -- let's see, these all look -- okay. I have

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1 two of the same it appears.
2 Q What date?
3 A 02/13 of '02.
4 MR. COVELL: 1479 and 1480.
5 Q (By Ms. Zobel) All right. And then 03/13 and 04/10?
6 A Yes.
7 Q Okay. Now, does that -- did you write the agendas for
8 these meetings as a facilitator?
9 A No, this is not -- anyhow this is not a text or a font
10 that I would use to type up anything. So, I didn't put
11 this together.
12 Q You didn't put the topics together or the actual
13 document?
14 A I didn't put the document together for sure.
15 Q How about all the other information?
16 A General information, yes. It looks somebody's coming
17 tomorrow to buy.....
18 MR. COVELL: Just to be clear John, you're on
19 02/13, APC479?
20 A Right.
21 MR. COVELL: Okay. Go ahead.
22 A And it looks to me like I'm just telling everybody
23 what's been told to me. Let's see. It looks there
24 might have -- like, for instance, the second bullet:
25 There's been a questions about the transition from day

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1 rate to hourly rate. This will be discussed when --
2 I'm sure it said when Doug gets back.
3 Q (By Ms. Zobel) Okay.
4 A So I'm just regurgitating information to whoever's
5 coming on shift at this point in time to let them know
6 what's going on. Just a quick meeting to say, hey guys
7 here's what's going on at this point. I'd be curious
8 to know on 02/13 of '02, was I just coming on shift or
9 just leaving or mid-shift or where was I?
10 Q Why does that make a difference?
11 A Well I'm thinking that reason this is put together was
12 just to simply get everybody in one spot at one time
13 and say here's what's going on guys and then I was
14 probably on a plane out of there.
15 Q What about 1477?
16 A 77. Again, this is not a form that I would -- that I
17 would have made. So, I don't know where the form came
18 from.
19 Q Now this one is heading Meeting Agenda. Is this
20 something you would have put together as a facilitator?
21 A My name's down as the facilitator, but I would not have
22 made this form.
23 Q Would someone in admin have put it together for you?
24 A It's possible, but I wouldn't have asked them to do
25 that. I mean, this is just not my style. I mean this

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1 is -- this is a premade deal that you go on there, you
2 know, in Word and pull up a meeting agenda and it
3 prints this stuff out for you. But it's not something
4 I would use.
5 Q What about, starting on 1479 with the 02/13/02, is it
6 possible that these are the minutes that were kept as a
7 result of the meeting?
8 A It's possible.
9 Q Okay.
10 A Highly possible.
11 Q And that these were meetings that you facilitated?
12 A Well I just sat in and took meetings or something that
13 was passed down to me from management or combination of
14 sources and then I -- I just got everybody in the -- in
15 the meeting and somebody took notes while we were
16 talking, you know, to get everybody up to speed while
17 we're here before I left or what have you before there
18 was a shift change. It could be anything.
19 Q Well safety staff meetings, did you have them only when
20 you had a shift change?
21 A No they.....
22 Q Or were they regular?
23 Awere not scheduled in any -- we tried several
24 times to get a safety meeting on, you know, we're going
25 to have it on this day all the time by god. It never

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1 happened. So, they were just kind of hit or miss. We
2 weren't very good at getting together as a group and
3 making that up.
4 Q Okay. I'm going to show you your notes from your
5 production and this is document 69 and it says that you
6 had a weekly staff meeting?
7 A Weekly staff meeting -- O Wing, yes.
8 Q Okay.
9 A But that doesn't -- I mean we had a meeting, but --
10 Q It wasn't change out notes. You're there?
11 A I'm there. I'm it, yes. So that's the first day in.
12 Okay. So that's the first day in. So there would have
13 been guys coming in with me. So a lot of these items
14 would have been to regurgitate to the guys coming in so
15 we'd all --
16 Q And 03/13, the same thing? This is at the shift
17 change. You're having a safety meeting with the new
18 crew that comes in on that tower?
19 A So this probably would have been with Doug was going
20 off the Slope, so we had all been together -- got this
21 all done at one time. This....
22 Q Doug would be off Slope and you'd be conducting it in
23 his place?
24 A That could be or he could be there and we're all in the
25 same group. I don't know, it's hard to say.

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1 Q Okay. Was it your responsibility when he was gone to
2 conduct these meetings in his absence?
3 A I'm not sure of that either. It wasn't a steadfast
4 thing. I mean the meetings were just hit or miss. We
5 didn't have it went -- like I said before, we attempted
6 on several occasions through the whole time I was on
7 the Slope to set up meetings that happened here and
8 here and here, but we were not very good at
9 communicating to one another. The best thing we could
10 do was the change out notes. So, very informal.
11 Q Okay.
12 A So, yes, my name's down as facilitator, but I could
13 have just been regurgitating, I mean -- or somebody
14 just put me down as facilitator because I was the one
15 passing along the word so --
16 Q Well you ran the meeting. Is that what facilitator
17 means?
18 A I'm not sure what he definition of facilitator means.
19 MR. COVELL: I'm going to object to compound
20 question here. One, what the word means. The other one's what
21 he did.
22 MS. ZOBEL: Okay.
23 Q (By Ms. Zobel) Next Exhibit G-27 is industrial hygiene
24 air sampling, is that memorandum?
25 MR. COVELL: Ms. Zobel, I --

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1 MS. ZOBEL: Am I on the wrong number?
2 MR. COVELL: This one's G-27.
3 MS. ZOBEL: G-28, you're correct.
4 MR. COVELL: So I have the February 10 as G-28.
5 MS. ZOBEL: You're correct. I've got one on
6 top of the other.
7 (Deposition Exhibit G-28 marked)
8 A Twenty-eight.
9 Q (By Ms. Zobel) This is an Industrial Hygiene Air
10 Sampling Event Memorandum, tell me what it is? That's
11 the title on it.
12 A Oh, let's see. This must have been -- let's see here.
13 This is something I probably worked up with Sam Taylor
14 -- sent to Doug. It looks like I sent it to minor
15 projects superintendents, probably also Phillips
16 Alaska, amongst others I suppose. Exposure monitoring
17 results, stainless steel cutting event, salt water
18 treatment plant....
19 Q So what happened, if you recall?
20 A I actually don't recall.
21 Q Okay.
22 A So, if I could just read it.
23 Q Well I'm not asking you to talk about the specific
24 event. Tell me about your role that would be played
25 when you had a sampling event.

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1 A It would be the same role as any of the safety
2 specialists. If somebody asked me to go do sampling,
3 I'd assemble all the material I needed to do the
4 sampling and go do it. And then you follow through all
5 the way to making sure that the data was sent to the
6 laboratory and analyzed and when the data came back you
7 recorded the events and if there was an overexposure
8 then you called the employee in and notified the
9 employee of the exposure and notified his supervisor of
10 the exposure and notified Doug for sure of what was
11 going on.
12 Q You've signed the report at the end, correct -- or at
13 least your name appears on it?
14 A Yes.
15 Q Okay. Is this something that was unique to you as a
16 safety supervisor or was it something that was also by
17 the specialist, but you happened to do this one?
18 A It was done by the specialist, primarily, you know.
19 But, again, we all took -- it's like we discussed
20 earlier, if you needed to go do the sampling you would
21 do it. This just happens to be one that I did. So, it
22 looks like -- although this was definitely in
23 conjunction with Sam.
24 Q Who is Sam?
25 A Sam Taylor, the IH, that we had on the staff.

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1 Q Okay. But you don't know why....
2 A It might have even been Don Chenault -- might even have
3 been in on this one too. It was probably Dru (ph)
4 Bedford, too.
5 Q Was this one fairly significant that you had so many
6 people involved?
7 A It's hard to say. It doesn't ring a bell to me. I
8 mean, we got three -- two guys here that we -- we
9 sampled for and -- and obviously somebody up the ladder
10 was asking a lot of questions, so this report got put
11 together.
12 Q Okay.
13 MS. ZOBEL: Let's go off the record.
14 (Off record)
15 (On record)
16 Q (By Ms. Zobel) Okay. You were talking about what --
17 we were trying to discuss what role you had in the
18 safety staff meetings in terms of communicating
19 information. And let's look at the February 13, 2002
20 meeting -- senior staff meeting that you attended. Do
21 you see where action management item number two says
22 corporate wants all band-aid logs eliminated?
23 Discussion revolved around what our options are?
24 MR. COVELL: Second paragraph.
25 A Yes, I see that.

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1 Q (By Ms. Zobel) Okay. Now, look at document G-27, the
2 second page, 1479.
3 A Okay.
4 Q And then it says, it's one of the bullets, the third
5 from the bottom, it's a possibility band-aid log could
6 be eliminated. It's being discussed with management
7 currently.
8 A Yes, so -- it's just, I'm regurgitating what I heard
9 here.
10 Q Okay. So you attended one meeting and now you're.....
11 A Passed it along at the rest of the meeting.
12 Qreporting it back to the other -- to the staff?
13 A Yes.
14 Q Okay.
15 A Yes.
16 Q All right.
17 A Thanks for clearing that up.
18 Q Does that help you? It wasn't me. Okay. Now,
19 audiometric. What's audiometric?
20 A Audiometric.
21 Q Audiometric.
22 A Yes.
23 Q What is it?
24 A A hearing test.
25 MS. ZOBEL: This is an exhibit again. What

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1 number are we on?
2 MR. COVELL: G-29.
3 (Deposition Exhibit G-29 marked)
4 Q (By Ms. Zobel) All right. Audiometric Test
5 Documentation Procedures, did you put these together?
6 A I don't know. Let me take a look at it.
7 Q All right. It has your little desktop on it.
8 A No, actually I -- I didn't. This was a regurgitation
9 of Woody McCoven's notes that he had on the front of a
10 three-ring binder on how to do audiometric testing.
11 And so instead of using his handwritten notes, I
12 retyped it so it would be in the computer in one spot.
13 And then.....
14 Q Okay.
15 A And then filed it here on this O-drive. So, that was
16 just a regurgitation of one of the training guy's
17 stuff.
18 Q Okay. Is that a procedure that was then rolled out to
19 the safety specialists to carry out?
20 A The safety specialists had always been doing it. It
21 was all -- it's just a typed -- it's a retype of
22 handwritten document that Woody made.
23 Q Okay.
24 MS. ZOBEL: I'm going to give you some action
25 -- is this what I want? A memo from you.

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1 MR. COVELL: G-30.
2 (Deposition Exhibit G-30 marked)
3 A I'll swap you. Okay. [Witness reading to himself]
4 Q (By Ms. Zobel) Tell me what this is?
5 A It looks like Gary Buchanan asked me to look over the
6 2001 internal action log for the construction crew.
7 Q What's an action log?
8 A I couldn't tell you, it's been too long. I don't know.
9 Number 2 NEO Training present NEO training.....
10 Q Right.
11 MR. COVELL: You may want to --
12 MS. ZOBEL: What.
13 MR. COVELL: Go ahead.
14 MS. ZOBEL: I asked him what the action log
15 was.
16 MR. COVELL: Okay. And he said, I don't know.
17 MS. ZOBEL: Okay.
18 A Sorry. I.....
19 Q (By Ms. Zobel) Go ahead and tell me what you believe
20 you were doing here. You were commenting for Gary as
21 to having looked over the logs?
22 A I'm replying to Gary Buchanan that I looked over this
23 log that he provided to me and he was -- he's obviously
24 asked me to look it over and make comments, so that's
25 all I'm doing here.

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- 1 Q Okay.
2 A So it's.....
3 Q And Gary Buchanan was?
4 A The head honcho, the operations manager.
5 Q Okay.
6 A This is where we talk about the safety copy mentality
7 and the voice of the safety department being
8 inconsistent and new employee orientation training
9 requirements, so --
10 Q And are you indicating here some places where there
11 need to be improvement?
12 A I just think I'm stating my opinions.
13 Q Okay. And he solicited your opinion?
14 A Yes, in this case he did here.
15 Q Okay. Do you have an opinion as to whether you spent
16 more than 20 percent of your time in doing manual labor
17 type activities?
18 A Twenty percent of my time doing manual labor
19 activities? During my entire employment?
20 Q No, during your tenure as a safety supervisor?
21 A Probably did about -- it's conceivable I spent more
22 than 20 percent of my time doing a manual -- manual
23 work.
24 Q Is it likely, though?
25 A Yes.

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- 1 Q And what would you define as manual labor that you
2 would have done?
3 A Go into the field and -- and performing the field work
4 or in the office performing, I guess -- I guess the
5 question is what are we calling manual labor?
6 Q No, I'm asking you how you have defined it when you
7 said the answer was yes?
8 A I guess, you know, data entry would be one -- one
9 portion of that where you're just simply sitting down
10 inputting data into a computer.
11 Q Give me another example of what you mean, data entry?
12 A Well all of the industrial hygiene sampling logs that
13 we got, we'd have to -- we had a program so you'd have
14 to sit down and take the raw data and sit down and type
15 it in. You just transcribe it right off a written form
16 and put it in the machine so you'd have an electronic
17 record of it. So there was a lot of data entry. So
18 that's kind of brain dead work. So I'd -- I'd say
19 that's -- that's the majority of it right there. You
20 know, it'd be some type of a data entry, some type of
21 field work, assembling, calibrating instruments.
22 That's all kind of manual labor. That's about it.
23 Q We talked about you performing field work -- data
24 entry, is this material that other people gave to you
25 and you're doing entry or is this something you

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- 1 generated that you're inputting?
2 A Both.
3 Q Both. Okay. Are you -- are you doing summaries and
4 correlations of these data when you're putting them in?
5 A No, it's all cookbook stuff. You just follow the --
6 you know, the -- all the calculations that one would do
7 are already done for you. You've just got to look them
8 up in the book or in our particular case, excuse me,
9 there's a computer program we had and it's all done.
10 there so --
11 Q Okay.
12 A You know --
13 Q All right. What was the third you said you did? Oh,
14 calibrating instruments?
15 A Uh-huh (affirmative).
16 Q And who else did calibration of instruments?
17 A Everybody did calibrations.
18 Q How is it that you would come to be doing calibrations
19 as a safety supervisor?
20 A If you had to calibrate an instrument every time it was
21 used. So, if somebody would call me to go do a permit
22 then I would have to calibrate the instrument before I
23 left the office as would anybody.
24 Q Okay. All right. So this would be in conjunction with
25 the work that you did as a field worker?

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- 1 A Sure.
2 Q All right. Tell me what the most responsibility was
3 you had in your position as a safety supervisor?
4 A Just making sure somebody didn't get injured on my
5 shift. So, it was just employee safety was the
6 greatest responsibility.
7 Q And within the project that you worked on as a safety
8 supervisor, which ones of those do you think were most
9 important?
10 A I don't understand what you mean by projects.
11 Q Well tell me what some of the projects were you did as
12 a safety -- in the office -- safety specialist --
13 supervisor.
14 A The biggest time consumer would be just assembling the
15 policy, procedures and guidelines document that we
16 talked about.
17 Q Give me an example of other projects that you worked
18 on.
19 A Oh, I assisted in the lead sampling program, and I
20 assisted in the UA program, assisted in the
21 audiometric, and the respiratory program. Assisted in
22 the training program.
23 Q When you say assisted, was this in putting together
24 policy?
25 A No, just, you know, actually performing the work. You

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1 know, in all cases like the -- every six months or
2 every two years you'd have to come around and get
3 reevaluated for your hearing and your respiratory.
4 Don't quote me on the timeliness because I really don't
5 recall exactly what the timeliness were.
6 Q So this is the administering of the checkouts for
7 people?
8 A You bring the employee in, you pull out his file.
9 Q Uh-hum.
10 A You put him in the hearing booth, you put the goodies
11 on him and give him a hearing test.
12 Q Didn't you contract that out?
13 A No.
14 Q Okay. And how about writing the procedures to be
15 followed on any of these projects, lead sampling,
16 respiratory, auditory?
17 A Again, most of that stuff is a regurgitation writ --
18 either from the instrument manufacturer's operations
19 manual or right out of the CFR, or there was something
20 already in place that may not have been typed up and
21 put in an -- an electronic format. It may have just
22 been on a piece of paper in somebody's handwriting on
23 the back of a three-ring binder. So, you know, we did
24 a lot of organizing up there trying to get everything
25 into something that looked a little professional, if

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1 him by faxing so --
2 Q Okay. And was that something that -- well all right.
3 But under the chain of command when Doug was gone it
4 was your responsibility to take over his position, is
5 that correct?
6 A That's correct.
7 Q Okay.
8 MS. ZOBEL: All right. Let's call it a day.
9 You want to cross?
10 MR. COVELL: Let's take five minutes.
11 (Off record)
12 (On record)
13 CROSS EXAMINATION
14 BY MR. COVELL:
15 Q Mr. Gilbert, you were asked some questions about
16 interpreting data earlier by Ms. Zobel. I believe you
17 gave an affirmative answer to that question, that you
18 interpret data?
19 A Yes.
20 Q Okay. When you were doing that, were you doing a
21 process that would have been similar to analyzing or
22 doing original scientific research where you might
23 gather a bunch of data points, and then plot a bell
24 curve or something of that nature?
25 A No.

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1 you will. So, and my input went in as well as
2 everybody else's into those programs so --
3 Q Is there any programs that you worked on that you don't
4 believe were worked on by other safety specialists?
5 A Well no. I'm pretty sure that everybody got involved
6 in the majority of things. So, we tried to bounce
7 everything off one another. There's just simply too
8 much activity going on up there for one guy to make a
9 call unless its loaded down upper management.
10 Q And did Doug rely on you as his assistant to do these
11 sorts of things?
12 A Myself, amongst others sure.
13 Q Okay. Did you were second below Doug and you would
14 step up when he was gone, is that correct?
15 A Well I'm not sure I understand the word step-up but
16 when Doug was gone it would be myself or one of the
17 other safety specialists that would be so-called in
18 charge when they -- when he left.
19 Q Well he weren't present, was somebody else in charge
20 other than yourself?
21 A A lot of reliance was still funnelled to Ron Kirk since
22 he'd been up there for so long even though he was not
23 necessarily in -- he moved over to the safety
24 specialist position at the -- the wash bay or the heavy
25 shop and a lot of times they would just communicate by

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1 Q Okay. Were you doing some type of situation where you
2 might get data from the field and enter it either into
3 an electronic program or a hand program and then come
4 up with some results?
5 A Yes.
6 Q Okay. You were asked a question about exercising
7 judgment. When you did your job did you have the
8 authority to deviate from standards that were given you
9 either in CFR, state regulations, PPC manual or company
10 manuals or requirements?
11 A No.
12 Q Okay. In G-2 which was a job description, I saw the
13 words risk assessments. Did you do something that you
14 thought was a risk assessment?
15 A I don't recall having anything that said risk
16 assessment, however, we may have gone out and looked at
17 a job and said, geez fellas your scaffolding is not
18 erected correctly and therefore you have to reassemble
19 it.
20 Q Okay. Would it be appropriate to call that identifying
21 a safety hazard?
22 A Yes.
23 Q Okay. And would that be a duty of safety specialist
24 when they did a walk down or an audit to identify a
25 safety hazard?

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1 A Yes.
2 Q You were asked some questions about whether or not you
3 had a contract with APC, and I believe you indicated no
4 to that question.
5 A Correct.
6 Q All right. Did you have -- whether written or not, an
7 agreement with APC that you would work for them and
8 they would pay you money for some amount of work?
9 A Yes.
10 Q Are there various pieces of paper that commemorate that
11 agreement?
12 A Yes.
13 Q Okay. Did you have a specific correspondence with APC
14 in that regard?
15 A I -- yes, I do. I did.
16 Q Okay. And when did that happen?
17 A That was before I went to the Slope.
18 Q Okay. And how did that transpire? Was that e-mail
19 letter form, do you know?
20 A As I recall it was in a letter form they just sent me a
21 letter of employment. As I recall it was from Michael
22 Day and Ron Kirk.
23 Q Okay. And to your knowledge do you have that paper
24 somewhere?
25 A I don't know. I'd have to look. I don't know if I

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1 have it or not.
2 Q Okay. Would it be your expectation that the company
3 might have it in their file somewhere?
4 A Yes -- should have.
5 Q And that would be when you started out in '01?
6 A '01.
7 Q Okay.
8 A Yes.
9 Q All right. In the duties you undertook as safety
10 supervisor when you were staying in the office most of
11 the time, to differentiate what you did there from
12 safety specialist, is it correct that you dealt with
13 more paperwork, you answered more questions, you dealt
14 with the injured more -- let me back up here and try to
15 make this sound sensible.
16 MS. ZOBEL: And not to leading.
17 MR. COVELL: Okay.
18 Q (By Mr. Covell) All right. As a safety supervisor
19 were the duties that you did different in volume versus
20 types of duties from being a safety specialist?
21 A Yes.
22 Q Okay. So is it right then that you say, did more
23 paperwork, answered more questions, dealt with the
24 injured more, and those types of things.
25 A Yes, that's correct.

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1 Q Okay. All right. When you were -- how many
2 secretaries were there -- the admin assistants?
3 A Just one.
4 Q Okay. Because there were two ladies listed on the list
5 and they'd change out, right?
6 A Yes, and then one went away for good so --
7 Q Okay. And then for the off weeks did you have one
8 or --
9 A No, actually we didn't. There was just Kim.
10 Q Okay. All right. There was that note in your daily
11 log, something about helping somebody on a pad with a
12 hose, do you remember that? You don't need to look.
13 A Yes.
14 Q Okay. The person that called you to that situation,
15 was that a safety specialist or was that a client,
16 meaning Conoco?
17 A It was -- it was not a safety specialist.
18 Q Okay.
19 A Client.
20 Q Did the safety specialist call you from the field to
21 consult about doing the safety specialist job?
22 A No, the would have called me from the field to say, hey
23 I need some help out here to do this particular walk
24 down or there's too much activity I need another guy
25 out here, or I'm going to this pad, you need to cover

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1 me on this pad. So, but there was, you know, those
2 guys are all -- they're not coming to me as the expert
3 in the safety field.
4 Q So is it fair to say, when -- even if you got called by
5 a safety specialist, it was to be an extra set of hands
6 as opposed to being somebody that would be instructing
7 them what to do?
8 A Yes.
9 Q Ms. Zobel asked you a question about being a
10 spokesperson. Were you the guy that got in front of
11 the microphones and made press announcements?
12 A No.
13 Q When you said spokesperson or you answered
14 affirmatively to that, what did you mean being company
15 spokesperson?
16 A Again, your the lead man or the guy in the office, so,
17 somebody's got to answer the questions from the
18 department.
19 Q Okay. When a person is injured from a safety point of
20 view concerning their medication, is one of the main
21 concerns whether or not they're going to be on pain
22 meds?
23 A That is a big concerns, yes.
24 Q And why is that a big concern?
25 A Well obviously if they're on medications they may not

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1 be able to their job correctly and pose a greater
2 danger to themselves or others if they're medicated.
3 Q Okay. In the change out notes in Exhibit G-7, is there
4 anything that you addressed that you did in those notes
5 that's any different than what a safety specialist
6 would do?
7 A No.
8 Q When you talked about, you know, not being liked by the
9 workers, not being liked by the company because you're
10 a bad news man, so to speak and getting complaints from
11 the field about a safety guy. When you got those
12 complaints would you administer disciplinary act to the
13 safety specialist?
14 A No.
15 Q What would you do with those complaints?
16 A Well I would call the safety specialist, and say, hey
17 you're stepping on some toes out there and you really,
18 you know, made some guys angry and, you know, you need
19 to change your approach or I would refer a lot of it to
20 Doug so --
21 Q In G-8, there was some questions about doing cost
22 analysis I think about some scientific equipment. How
23 often did you do something like that?
24 A Very infrequently.
25 Q Okay. Off the top of your head can you recollect have

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1 A Again, very infrequently.
2 Q All right. You were asked a question about being able
3 to stop the work. Did you ever stop the work on a job?
4 A Yes.
5 Q How often did that happen?
6 A Again, infrequently. But maybe every other hitch up
7 there you might run across a small job you had to shut
8 down for just a short period of time.
9 Q Okay. Is it correct that under the health, safety
10 scheme that APC has that any employee can stop a job?
11 A Yes.
12 Q At one point you were saying oftentimes as the safety
13 supervisor you got called to the field and you said it
14 could be daily down to zero. When you said daily, did
15 you mean that you could be spending the whole day doing
16 field work?
17 A It's conceivable you could spend the whole day doing
18 field work. Sure -- yes.
19 Q Okay. Even in days you weren't doing field work, was
20 the work in the office different than the work that the
21 safety specialist did?
22 A No.
23 Q In regard to questions about writing procedures or
24 rewriting procedures we talked about the NORM, the
25 N-O-R-M which was --

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1 done something like that otherwise?
2 A I might have done something similar to that, maybe two
3 or three times the entire time I was employed.
4 Q Okay.
5 A At APC -- I don't know.
6 Q When you did that were you analyzing the cost benefit
7 analysis to the equipment for company?
8 A No, I was just simply adding numbers, and here's what
9 that cost and here's what this cost, and somebody else
10 can make the decision as to whether it's a viable
11 purchase option.
12 Q And as far as that equipment did you make a decision as
13 to whether or not it was purchased?
14 A No, I didn't.
15 Q Do you know if that equipment was ever purchased?
16 A That particular equipment, I don't know. I think that
17 was just a list of old equipment that we had. So, I
18 know we bought some new equipment on and off throughout
19 the time I was employed there so --
20 Q All right. In G-11 there was something about setting
21 out costs. I think that was the \$4,000.00 to send off
22 to analyze or whatever they were in Colorado and the
23 lead paint or whatever it was?
24 A Yes.
25 Q How often did you do something like that?

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1 A Normally occurring radioactivity material.
2 Q Okay. You indicate in your questions that was a
3 regurgitation or a cut and past of information that you
4 had gotten from, I can't remember, either the company
5 or some --
6 A PAI.
7 Q PAI, okay. And you took from one or two or three
8 sources and wrote that up?
9 A That's correct.
10 Q As far as being asked about these various other memos
11 concerning PPC which is policies, procedures and.....
12 A It's PPG.
13 Q PPG, okay.
14 A Policies, procedures and guidelines.
15 Q Guidelines.
16 A Yes.
17 Q When you were involved in generating revisions of
18 those, were they done in the same manner as redoing or
19 doing the NORM PPG?
20 A Oh, yes, definitely.
21 Q How much time did you spend in meetings?
22 A Not a lot. I don't know.
23 Q Okay. Would it be an hour a week, hour a month?
24 A It could. A couple hours a week.
25 Q Okay. In regards to G-25, all those pieces of paper

41 (Pages 158 to 161)

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1 with the checkmarks, and you indicated those were your
2 checkmarks, was that based because some of those pages
3 had notes in your handwriting?
4 A It looked like my handwriting, yes.
5 Q The G-27 exhibit, let me just find that.
6 MS. ZOBEL: Meeting agendas?
7 MR. COVELL: Yes, meeting agenda and then the
8 meeting notes.
9 Q (By Mr. Covell) Are these the types of items that
10 would be similarly addressed in change out notes?
11 A Yes.
12 Q Okay. And you indicated that at least on one of these
13 days, perhaps the February 13, that was either an
14 arrival or departure date for you, is that right?
15 A Correct. It could be the very next morning.
16 Q You were going to do it at shift, if you know?
17 A I think the 13th was a Wednesday, so it would have been
18 -- I would have arrived on Tuesday evening and this
19 would have been the first day I was on the Slope, I
20 believe looking at the --
21 Q And just so I understand this, when you guys changed
22 out, did you, like, change out a whole crew at a time
23 or did you overlap so half the guys were there for a
24 week?
25 A It's about 50-50. It's about half the guys there.

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1 It's not just a complete rollover of the crew.
2 Q Okay.
3 A You have to have continuity so the word can get passed
4 along there.
5 Q All right. Who was the boss in the health and safety
6 department when you were there?
7 A Doug.
8 Q Okay.
9 MR. COVELL: That's all I have.
10 MS. ZOBEL: Just a couple.
11 REDIRECT EXAMINATION
12 BY MS. ZOBEL:
13 Q You didn't do change out notes with safety specialists,
14 but rather your counterpart, is that correct?
15 A Well it's -- for a good majority of the time I didn't
16 have a counterpart. So, a lot of times it would just
17 be whoever was left over, like Bob Carrier, Ron Kirk,
18 Robert.....
19 Q When you had a counterpart.....
20 A Yes.
21 Qthe change out notes were for the counterpart, not
22 for the safety specialists general consumption?
23 A Well, you know, yes. I mean if the safety specialist
24 needed to see it, we did. I mean there was no set
25 thing that says you can't see this.

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1 Q But your intent was to change out with your
2 counterpart?
3 A Whoever that might be, that's correct.
4 Q Okay. And if you were then getting there, getting
5 change out notes and then having a safety staff
6 meeting, it was for the purpose of informing people who
7 were just coming in what had occurred while they were
8 gone as well from a management standpoint, was it not?
9 A Yes. It was an all inclusive meeting, so everything
10 that went on was regurgitated to -- well, for instance,
11 when I didn't have a change out partner, somebody, one
12 of the safety specialists would come to me if Doug was
13 gone and say, hey here's what's been going on. So, I
14 would take that information, I'd pass it along to the
15 rest of the guys.
16 Q Okay.
17 A Somebody had to be the go-between with the information.
18 Q In this correspondence that you talked about with APC,
19 prior to being employed.....
20 A Uh-huh (affirmative).
21 Qdid it set out a specific number of hours straight
22 time and overtime hours that you would be expected to
23 work?
24 A That I don't recall. I'd have to find the paper and
25 look.

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1 Q Did it establish anything other than a day rate?
2 A I don't recall that either. It's -- I asked for and
3 received a specific letter of employment. Prior to
4 that there was going to be no paperwork whatsoever, and
5 they said just get on the plane and come and I says
6 (sic), no you guys need to send me something in writing
7 that states that I have a job with you so --
8 Q Did it state that it was for a term certain, or was it
9 just that you had a job?
10 A Again, I'd have to look at the paper, I haven't -- I
11 haven't looked at.
12 MS. ZOBEL: I have no other questions.
13 RECROSS EXAMINATION
14 BY MR. COVELL:
15 Q All right. Just to follow-up on that; was, to your
16 recollection, was the gist of the letter more
17 concerning what your job duties were going to be than
18 terms of employment time and money, or do you know?
19 A It was just simply, if I recall correctly it was just
20 simply, this is a letter to inform you that you have a
21 job with APC and come on up. So, again, I haven't --
22 I'd have to go look for that.
23 Q You didn't want to get off the plane and hear who are
24 you?
25 A Precisely.

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MR. COVELL: All right. That's all I got.
(Off record)

* * * END OF PROCEEDINGS * * *

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CERTIFICATE
UNITED STATES OF AMERICA)
) ss.

STATE OF ALASKA)
I, Jerri Young, Notary Public in and for the State of
Alaska and Reporter with Metro Court Reporting, do hereby
certify:

THAT the annexed and foregoing Deposition of JOHN D.
GILBERT was taken before Cheri Tabor on the 31st day of May
2006, commencing at the hour of 9:07 o'clock a.m., at the
offices of DeLisio Moran Geraghty & Zobel, P.C., 943 West 6th
Avenue Anchorage, Alaska 99501, pursuant to Notice to take said
Deposition of said Witness on behalf of the Defendant;

THAT the above-named Witness before examination, was
duly sworn to testify to the truth, the whole truth, and
nothing but the truth;

THAT this Deposition, as heretofore annexed, is a true
and correct transcription of the testimony of said Witness
taken by Cheri Tabor and hereafter transcribed by her;

THAT the original of the Deposition transcript will be
lodged in a sealed envelope with the attorney requesting
transcription of same, as required by Civil Rule 30(f)(1)
amended, that attorney being:

MS. PATRICIA ZOBEL, DeLisio Moran Geraghty & Zobel,
P.C., Attorneys at Law, 943 West 6th Avenue, Anchorage,
Alaska 99501;

THAT I am not a relative, employee or attorney of any
of the parties, nor am I financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal this 19th day of June 2006.

Jerri Young
Notary Public in and for Alaska
My Commission Expires: 11/03/07

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SIGNATURE

STATE OF ALASKA)
) ss.

THIRD JUDICIAL DISTRICT)

I, JOHN D. GILBERT, have read the foregoing
deposition and have made corrections thereto. Any and all
changes, explanations, deletions and/or additions to my
testimony may be found on the correction sheet(s) enclosed with
this transcript.

JOHN D. GILBERT

STATE OF ALASKA)
) ss.

THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this day of

2006, before me appeared JOHN D. GILBERT, to me

known and known to be the person named in and who executed the
foregoing instrument, and acknowledge voluntarily signing and
sealing the same.

Notary Public in and for
State of Alaska, at Anchorage
My Commission Expires:

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